

**U.S. Department of Justice**



*United States Attorney  
Southern District of New York*

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86 Chambers Street  
New York, New York 10007

April 19, 2021

**By ECF**

The Honorable Philip M. Halpern  
United States District Judge  
Southern District of New York  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

Re: *Zherka v. Garland*, No. 20 Civ. 7469 (PMH)

Dear Judge Halpern:

This Office represents Defendant Merrick Garland in his official capacity as United States Attorney General in the above-referenced action, in which Plaintiff Selim “Sam” Zherka challenges the constitutionality of 18 U.S.C. § 922(g)(1) as applied to him. I write to inform the Court that today the Supreme Court denied the petitions for certiorari in three cases in which the courts of appeals denied challenges to Section 922(g)(1), including two cited by the parties in their briefing on the outstanding motion to dismiss. *See Folajtar v. Att'y Gen. of the United States*, 980 F.3d 897 (3d Cir. 2020), *cert. denied sub nom. Folajtar v. Garland*, 20-812, 2021 WL 1520793 (U.S. Apr. 19, 2021); *Flick v. Att'y Gen.*, 812 F. App’x 974 (11th Cir. 2020), *cert. denied sub nom. Flick v. Garland*, No. 20-782, 2021 WL 1520792 (U.S. Apr. 19, 2021); *Holloway v. Att'y Gen. United States*, 948 F.3d 164 (3d Cir. 2020), *cert. denied sub nom. Holloway v. Garland*, No. 20-902, 2021 WL 1521012 (U.S. Apr. 19, 2021).

I thank the Court for its consideration.

Respectfully,

AUDREY STRAUSS  
United States Attorney  
Southern District of New York

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